

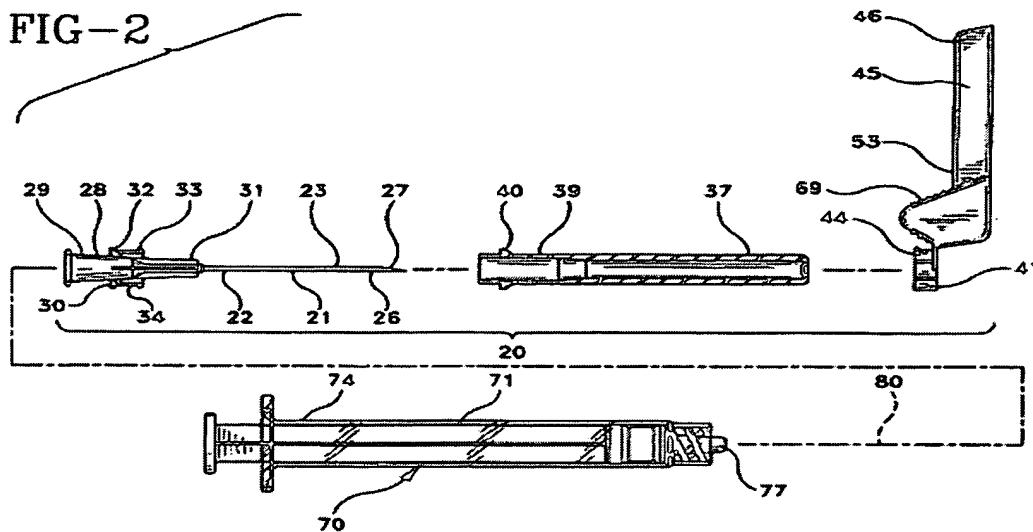
REMARKS

This application has been reviewed in light of the Office Action dated March 17, 2004. Claims 1-9, 11, 14-90 and 93 are pending in the application. Claims 21, 22, 24, 26, 32-59, 61, 66-68, 73-90 and 93 are withdrawn. Claims 5, 69 and 72 are amended in a manner that Applicants believe overcome the rejections in the Office Action. Support for the amendments can be found throughout the specification and figures of the present disclosure and recite aspects of the disclosure that Applicants are believed to be entitled. Applicants submit that no new matter or issues are introduced by the amendments. Claims 10, 12, 13, 91 and 92 were previously cancelled without prejudice. Applicants reserve the right to prosecute the subject matter of any cancelled claims in continuing applications.

Initially, Applicants gratefully acknowledge the allowability of the subject matter recited in claims 1-4, 7-9, 16-18, 20, 23, 27-29, 60, 65 and 71. Applicants, however, respectfully submit that in view of the amendments and remarks herein, all claims presently pending in the application are allowable over the art of record.

In the Office Action, claims 69 and 72 of the present application were rejected under 35 U.S.C. § 102(b) over U.S. Patent No. 5,665,075 to Gyure et al. (Gyure '075). Claims 5-6, 11, 14, 19, 25, 30-31 and 62-64 were also rejected under 35 U.S.C. § 103(a) over the Gyure '075 patent. However, it is respectfully submitted that amended independent claim 5, claims 6, 11, 14, 19, 25, 30-31 and 62-64 depending therefrom, amended independent claim 69 and amended independent claim 72, clearly and patentably distinguish over the Gyure '075 patent.

Referring to FIG. 2 reproduced below, the Gyure '075 patent shows a pivoting needle shield 45 (col. 4, lines 42-48).



In contrast, amended claim 5 of the present application recites “[a] medical needle shield apparatus comprising: a needle hub having a collar defining an interior cavity, the needle hub supporting a needle having a distal end; and a shield having a proximal end, and a distal end and a lock disposed therebetween, the proximal end of the shield being receivable within the interior cavity of the collar in an interlocking engagement, the shield being manually extensible from a retracted position to an extended position, such that the distal end of the shield extends in parallel with a longitudinal axis of the needle, wherein the lock captures a portion of the needle disposed proximal to the distal end of the needle in a configuration to prevent displacement of the shield from the extended position and the distal end of the shield encloses at least a portion of the distal end of the needle.”

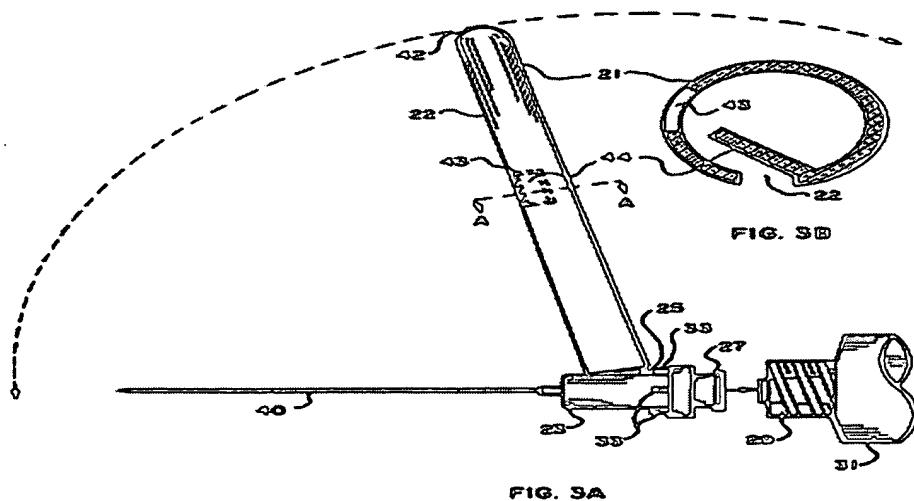
Amended claim 69 of the present application recites, *inter alia*, “[a] medical needle shield apparatus comprising:...a shield means... for engaging the needle hub means in an interlocking engagement, the shield means being manually extensible between a retracted position and an extended position, such that the distal end of the shield extends in parallel with a longitudinal axis of the needle...” Amended claim 72 of the present application recites, *inter alia*, “[a] medical needle shield apparatus comprising:... a shield... being receivable by the collar in an interlocking engagement and the shield being manually extensible from a retracted position to an extended position, such that the distal end of the shield extends in parallel with a longitudinal axis of the needle...”

The Gyure '075 patent in no way discloses or suggests structure as recited in amended claims 5, 69 and 72. The Gyure '075 patent does not disclose, *inter alia*, a medical needle shield having a needle hub and a shield being received in an interlocking engagement, whereby the shield is manually extensible from a retracted position to an extended position, such that the distal end of the shield extends in parallel with a longitudinal axis of the needle.

Because of the above distinctions, it is respectfully submitted that amended independent claim 5, claims 6, 11, 14, 19, 25, 30-31 and 62-64 depending therefrom, amended independent claim 69 and amended independent claim 72 are patentable and not obvious over the Gyure '075 patent. Reconsideration and withdrawal of the rejections are respectfully requested.

In the Office Action, claims 69-70 were rejected under 35 U.S.C. § 102(b) over U.S. Patent No. 5,188,611 to Orgain (Orgain '611). Claim 15 was also rejected under 35 U.S.C. § 103(a) over the Gyure '075 patent in view of the Orgain '611 patent. However, it is respectfully submitted that claim 15, depending from amended independent claim 5, amended independent claim 69 and claim 70 depending therefrom, clearly and patentably distinguish over the Orgain '611 patent in any combination with the Gyure '075 patent.

Referring to FIGS. 3A and 3B reproduced below, the Orgain '611 patent shows a pivoting needle cover 21 (col. 6, lines 43-49).



The Orgain '611 patent in no way discloses or suggests structure as recited in amended claim 69. The Orgain '611 patent does not disclose, *inter alia*, a medical needle shield having a needle hub and a shield being received in an interlocking engagement, whereby the shield is manually extensible from a retracted position to an extended position, such that the distal end of the shield extends in parallel with a longitudinal axis of the needle.

With regard to claim 15, the Orgain '611 patent in no way discloses or suggests structure as recited in amended claim 5, from which claim 15 depends. The Orgain '611 patent does not cure the deficiencies of the Gyure '075 patent in that the Orgain '611 patent and the Gyure '075 patent do not disclose, *inter alia*, a medical needle shield having a needle hub and a shield being received in an interlocking engagement, whereby the shield is manually extensible from a retracted position to an extended position, such that the distal end of the shield extends in parallel with a longitudinal axis of the needle.

Because of the above distinctions, it is respectfully submitted that claim 15, depending from amended independent claim 5, amended independent claim 69 and claim 70 depending therefrom are patentable and not obvious over the Orgain '611 patent in any combination with the Gyure '075 patent. Reconsideration and withdrawal of the rejections are respectfully requested.

In view of the foregoing amendments and remarks, it is respectfully submitted that claims 1-9, 11, 14-90 and 93 presently pending in the application are believed to be in condition for allowance and patentably distinguish over the art of record. An early notice thereof is earnestly solicited.

If the Examiner should have any questions concerning this communication or feels that an interview would be helpful, the Examiner is requested to call the Applicants' undersigned attorney.

Please charge any deficiency as well as any other fee(s) which may become due at any time during the pendency of this application, or credit any overpayment of such fee(s) to Deposit Account No. 50-0369. Also, in the event any extensions of time for responding are required for the pending application(s), please treat this paper as a petition to extend the time as required and charge Deposit Account No. 50-0369 therefor.

Respectfully submitted,



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